

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN FRANCIS,

Defendant.

4:23CR3045

ORDER

After conferring with counsel,

IT IS ORDERED:

- 1) The Motion to withdraw filed by Michael J. Wilson, (Filing No. 36), is granted effective upon the entry of appearance by new counsel, Hal Garfinkel.
- 2) Defendant's motion to file pretrial motions out of time is granted.
- 3) Pretrial motions and briefs shall be filed on or before February 2, 2024.
- 4) A telephonic conference with counsel will be held before the assigned magistrate judge at 11:00 a.m. on February 13, 2024 to discuss setting any pretrial motion hearing needed, a change of plea hearing, or the date of the jury trial and deadlines for disclosing experts as required under Rule 16. Counsel for all parties shall use the conferencing instructions provided by the court to participate in the call.
- 5) For the reasons stated on the call, the court finds ends of justice served by granting the motion to continue outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of Defendant's change of counsel, the time between August 29, 2023 and February 13, 2024 shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1) & (h)(7). Failing to timely object to this order as provided

under this court's local rules will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

Dated this 9th day of November, 2023.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge